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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,780	08/04/2003	Dae Sung Lee	DSL 3.0-001	6919

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EXAMINER
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HALE, GLORIA M

ART UNIT	PAPER NUMBER
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3765

DATE MAILED: 05/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/633,780

Applicant(s)

LEE, DAE SUNG

Examiner

Gloria Hale

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☒ Claim(s) 16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1-22-04
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_

## DETAILED ACTION

### *Specification*

The use of the trademark VELCRO has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology, **hook and loop fastener**.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 9, 10, 12 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Freedman (US 2, 440,466).

Freedman discloses an undergarment (brassiere 10) comprising a frame (11) and a plurality of members (cups C and pads C1) projecting outwardly from the frame, at least some of the members being removably attached to the frame and some are replaceable with replacement members (C1) as broadly claimed. (See Freedman, Col. 1, line 40,41; col. 2, line 27; col. 4, lines 3-14 and figures 1,2,5,6). The cups C1 are permanently mounted on a band 42 sized and shaped to be removably attached to the frame (figures 2 and 5); the frame as being constructed of a plurality of straps (W, 11, S, 18, 20 etc)

as seen in figure 1. The strips are longitudinal and transverse. The frame includes a pair of sleeves 40 and includes openings 50 covered by sheet 30 as broadly claimed.

Claims 1-4, 6, 9, 10, 12 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Jordan (US 962,900).

Jordan discloses an undergarment comprising a frame of strips that are both - longitudinal and transverse, 1,2 with sleeves 3 and a plurality of members 10 projecting outwardly and removably attached and which can be replaced by replacement members in that the members 10 are attached by stitching 11 and can be cut and the replacement members can be sewn thereon. Jordan includes openings 6 and 9. (See Jordan lines 10-105 and figures 1-3). The members are sewn and are permanently attached unless they are cut away at the stitching.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jordan (US 962, 900).

Jordan discloses the invention substantially as claimed. However, Jordan does not specifically disclose the projecting members as being formed of jade. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the projecting members of Jordan to construct them of any known material

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that would separate the strips from the body of the wearer in order to achieve a desired aesthetic effect in addition to the separation. Such known decorative materials include any type of decorative projecting members including stones or rhinestones as desired of which jade is included therein. Accordingly it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the projecting members of Jordan to construct them of any known decorative material such as jade in order to achieve a desired aesthetic effect since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416.

Claims 7,8,13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jordan in view of Chung (US 5,628, 064).

Jordan discloses the invention substantially as claimed. However, Jordan does not specifically disclose the sleeves as being removable. Chung discloses a torso garment including removable sleeves 22 removable by fastener 208. (See Chung, col. 1, line 66 – col. 2, line 1). Accordingly it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the garment of Jordan with the teaching of Chung to construct the sleeves as being removable to achieve a desired aesthetic effect and for more comfort to the wearer.

Claim 16 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. None of the cited references, alone or in

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combination, disclose the openings as being covered with an attached sheet as claimed in claim 16.


***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gloria Hale whose telephone number is 571-272-4984. The examiner can normally be reached on Tues.-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Calvert can be reached on 571-272-4983. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Gloria Hale  
Primary Examiner  
Art Unit 3765

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